

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEFFREY D. LEISER,

Plaintiff,

v.

BELINDA SCHRUBBE, R.N., *et al.*,

Defendants.

ORDER

11-cv-254-slc

On Tuesday, November 13, trial begins on plaintiff Jeffrey D. Leiser's claims that the defendants violated his Eighth Amendment right to receive medical care while he was incarcerated at the Waupun Correctional Institution. In an October 23, 2012 order, this court granted Leiser's request to writ and subpoena to trial four inmate witnesses: Lonnie Jackson, Michael White, Robert J. LaBotte, Jr., and Antonio Maddox. *See* dkt. 108 at 4.

On November 6, 2012, the United States Marshals Service advised the court that it would exceed the security capacity of this small courthouse to hold in the lockup five state prisoners at once, in addition to holding the detained federal defendants who have court hearings that day. In light of this report, for the purpose of ensuring adequate courthouse security while ensuring that Leiser has a fair opportunity to present his witnesses at trial, the court is staggering the appearances of the four inmate witnesses.

Therefore, IT IS ORDERED:

(1) Plaintiff witnesses Lonnie Jackson and Michael White shall be brought to court to testify only on Tuesday, November 13, 2012, as currently scheduled. Both sides—Leiser and the defendants—must complete their direct and cross-examinations of these witnesses on Tuesday, November 13, 2012, even if this means changing the order in which Leiser intended to present his evidence. These inmate witnesses shall not be brought back to court after November 13, 2012.

(2) Plaintiff witnesses Robert LaBotte, Jr. and Antonio Maddox shall be brought to court to testify only on Wednesday, November 14, 2012, a day later than currently scheduled. Both sides—Leiser and the defendants—must complete their direct and cross-examinations of these witnesses on Wednesday, November 14, 2012, even if this means changing the order in which Leiser intended to present his evidence. These inmate witnesses shall not be brought back to court after November 14, 2012.

Entered this 7th day of November, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge